

# Exhibit M

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

La Unión Del Pueblo Entero, *et al.*,

*Plaintiffs,*

v.

Gregory W. Abbott, *et al.*,

*Defendants.*

No. 5:21-cv-00844-XR  
(Consolidated Cases)

**DECLARATION OF SUSAN FOUNTAIN**

I, Susan Fountain, declare as follows:

1. I am a resident of Dallas, Texas. I am competent to provide the information in this declaration, and I have personal knowledge of all facts set forth herein.
2. I am the executive director of the Dallas County Republican Party. I have held this position since August 1, 2021. I have more than 22 years of experience working and volunteering in Texas politics.
3. The Dallas County Republican Party is a political party registered with the Texas State Ethics Commission and affiliated with the Republican Party of Texas. The Dallas County Republican Party also has a federally registered committee, the Dallas County Republican Party Federal Committee, to engage in federal electoral activities. The Dallas County Republican Party promotes and assists Republican candidates up and down the ballot in Dallas County, Texas. The Dallas County Republican Party also engages in public policy advocacy and promotes public policy positions consistent with that of the Dallas County Republican Party platform.

4. One of the public policy positions the Dallas County Republican Party promotes is election integrity. The Dallas County Republican Party believes in free, fair, and transparent elections so that all Americans have confidence in the integrity of our elections.

5. In furtherance of its mission, the Dallas County Republican Party engages in numerous political, associational, recruitment, and strategic activities. The Dallas County Republican Party devotes substantial resources towards educating, mobilizing, assisting, training, and turning out voters, volunteers, and poll watchers in Dallas County. The Dallas County Republican Party recruits and trains individuals to serve as polling place officials and as poll watchers. The Dallas County Republican Party also engages in express advocacy and issue advocacy in support of its preferred candidates, ballot measures, and public policies.

6. The Dallas County Republican Party and its officers, staff, consultants, and volunteers rely on frequent confidential communications to further the mission of the Dallas County Republican Party. These communications concern a wide variety of topics related to the Dallas County Republican Party's mission, including candidate recruitment, volunteer recruitment and training, campaign strategy and messaging, get-out-the-vote efforts, and public policy advocacy. The Dallas County Republican Party and its officers, staff, consultants, and volunteers engage in such communications internally and with other organizations to promote shared political goals.

7. The Dallas County Republican Party has received discovery requests from the plaintiffs in connection with the above-captioned matter. The discovery requests include requests for production, interrogatories, and notice of a 30(b)(6) deposition. The plaintiffs also intend to depose Dallas County Republican Party Executive Director Susan Fountain.

8. The requests for production seek documents and communications related to the Dallas County Republican Party's political activities. The RFPs included requests for communications with Texas state and county officials regarding SB 1, other election-related bills that never became law, and election administration issues generally. The RFPs also included requests for communications with the Dallas County Republican Party's third-party political allies and with its own unidentified "candidates" or "potential candidates" for elected office in Texas regarding the same subjects. Plaintiffs further sought a variety of internal documents and communications, including:

- Documents and communications regarding recruiting, retention, and training of poll watchers and poll workers (RFPs 8–9);
- Documents and communications regarding alleged "inappropriate" or "criminal" behavior of poll watchers or poll workers (RFP 10);
- Documents and communications regarding illegal voting, voter fraud, or criminal conduct in connection with certain methods of voting (RFP 13);
- Documents and communications regarding the potential impact of SB 1 on various demographic groups and Texas counties (RFPs 14, 16);
- Documents and communications regarding various demographic groups' use of certain methods of voting (RFP 15);
- Documents and communications regarding mail-ballot identification requirements (RFPs 17–18);
- Documents and communications regarding voter assistance (RFP 19); and
- Documents and communications regarding Texas demographics, voter turnout by various demographic groups, and "particular voting practices in Texas" (RFP 20).

The RFPs generally seek documents going back to either January 1, 2018, or January 1, 2020.

9. The requested materials encompass a substantial amount of documents and communications related to the Dallas County Republican Party's political activities. The requested materials contain candid opinions and advice from the Dallas County Republican Party's officers,

staff, consultants, candidates, and volunteers regarding the formulation of strategy and messaging related to campaigns and policy issues; documents regarding the allocation of resources for campaign expenditures and get-out-the-vote activities; drafts of press releases and other communications; documents regarding the recruitment of candidates; documents regarding the recruitment and training of volunteers; communications regarding media outreach and information for reporters; and discussions of current events and political developments, including SB 1 and other election-related legislation.

10. The disclosure of the requested materials would have a significant chilling effect on the Dallas County Republican Party's political activities, the willingness of individuals to join the Dallas County Republican Party and participate in its activities, and the efficacy of the Dallas County Republican Party's campaign strategies and tactics.

11. To begin, disclosure of the requested materials would significantly hinder the free flow of information and candid communication amongst the Dallas County Republican Party and its officers, staff, consultants, candidates, and volunteers. I expect that internal communications will remain confidential, and I know that other officers, staff, consultants, candidates, and volunteers have the same expectation. Such confidentiality is critical to the Dallas County Republican Party's mission because it ensures that its officers, staff, consultants, and volunteers are free to discuss their candid views on sensitive topics and thus determine the most suitable strategies to advance the Dallas County Republican Party's goals. But compelled disclosure would undermine candor and open communication going forward. I would be more hesitant to offer candid views and advice on advocacy strategy and messaging and would sometimes refrain entirely from offering my views and advice if I believed that my communications might be disclosed in future litigation over which I have no control. Likewise, many current and future

officers, staff, consultants, and volunteers of the Dallas County Republican Party would be more cautious and less candid with respect to their views and advice if they believed that their views and advice might be disclosed. In addition, based on my conversations with outside organizations with whom the Dallas County Republican Party pursues shared political goals, I know that they, too, would be more likely to hesitate or even decline to offer candid views on sensitive topics if they believed that their views would be disclosed.

12. Disclosure of the requested materials would harm the Dallas County Republican Party's efforts to attract and retain active members and volunteers, because such individuals would reasonably fear that their confidential communications and identities would likewise be disclosed in future litigation over which they have no control. These confidential communications relate to sensitive election-related topics, and members and volunteers reasonably believed that these communications would remain confidential. Members and volunteers would be much less likely to join the Dallas County Republican Party and participate in its activities if they believed that their communications would be disclosed, and members and volunteers are less likely to participate in the Dallas County Republican Party's activities if disclosure of the requested materials is compelled.

13. Disclosure of the requested materials would undermine the efficacy of the Dallas County Republican Party's political activities by publicly revealing its confidential strategies and tactics. The requested materials include confidential discussions regarding the formulation of strategy and messaging related to campaign and advocacy activities as well as documents regarding the allocation of resources for campaign activities and get-out-the-vote activities. The public disclosure of such materials will undermine the effectiveness of the Dallas County Republican Party's political strategies and tactics in the future.

14. In addition to the chilling effect on the Dallas County Republican Party's political activities, the breadth of the document requests impose a significant burden on the Dallas County Republican Party. The document requests seek documents and communications regarding such broad topics as "voting," "election administration," "Texas demographics," "voter turnout," and "voting practices in Texas." Collecting, reviewing, and producing such documents are time-consuming and expensive. The burden is even more severe because the Dallas County Republican Party is fully engaged in campaign activities ahead of the November 8, 2022 general election, in which numerous Republican candidates for federal, state, and local offices are on the ballot in Dallas County. Plaintiffs have added to this burden by insisting on a production of documents by November 10, 2022, just two days after the general election.

I declare under penalty of perjury that the foregoing is true and correct.

Executed: October 31, 2022

  
Susan Fountain